

April 7, 2009

Honorable Kip Holden
Mayor, City Parish of Baton Rouge
222 St. Louis Street
3rd Floor, Governmental Building
Baton Rouge, La. 70802

Re: Greg Mitchell, et al. vs. City Parish of Baton Rouge, et al.

Dear Mayor Holden:

We are writing to you and the City Parish Government, to remind each of you that your constituents which you represent as a governmental body are still suffering. The citizens of University Place Subdivision are still suffering through the dreadful, unhealthy, and down right shameful conditions forced upon this community, due to the total negligence of the city owned (City of Baton Rouge, La.) sewage treatment plant. The damage has been done to this community and the North Baton Rouge Sewage Treatment Plant continues to violate the people of this community. The sewage treatment plant is a major concern/problem/nuisance for this community which we suffer through on a daily basis. Your positive attention to this major community concern will be greatly appreciated. This community is in need of a bailout /buyout plan.

Please feel free to contact us at [REDACTED] or P.O.B 74054 Baton Rouge, La. 70807

"Always remember to put the people before the politics"

Thanks,


Mr. Gregory Mitchell

And the concerned citizens of University Place Subdivision

Regular Session, 2009

SENATE CONCURRENT RESOLUTION NO. 18

BY SENATOR BROOME

ENVIRONMENTAL CONTROL. Requests the city of Baton Rouge to evaluate and update its comprehensive wastewater treatment plan in order to address the needs and concerns of the citizens of Baton Rouge.

- 1 A CONCURRENT RESOLUTION
- 2 To urge and request the city of Baton Rouge to evaluate and update its comprehensive
- 3 wastewater treatment plan in order to address the needs and concerns of the citizens
- 4 of Baton Rouge.
- 5 WHEREAS, the city of Baton Rouge operates a highly complex wastewater
- 6 collection system developed over the past hundred years; and
- 7 WHEREAS, the system covers approximately four hundred seventy square miles and
- 8 serves a population of approximately five hundred thousand; and
- 9 WHEREAS, the system has three sewage treatment plants, North, South and Central,
- 10 and serves the cities of Baton Rouge, Baker, Zachary, and Central; and
- 11 WHEREAS, the city of Baton Rouge has been working for many years to address
- 12 sewer issues with major treatment plant expansions, rehabilitating existing sewer lines and
- 13 other infrastructure components; and
- 14 WHEREAS, citizens of Baton Rouge have been complaining of a foul odor invading
- 15 a north Baton Rouge neighborhood for more than a decade; and
- 16 WHEREAS, in order to address these complaints, the city of Baton Rouge has
- 17 implemented the North Wastewater Treatment Plant Odor Control Project; and
- 18 WHEREAS, this project consists of two phases, the first is the installation of

1 chemical feed systems at five pump station locations upstream of the treatment plant and the
2 second is the installation of biotowers at the treatment plant; and

3 WHEREAS, the chemical feed systems will inject chemicals into the collection
4 system, resulting in reduced hydrogen sulfide levels at the treatment plant; and

5 WHEREAS, the biotowers will capture air from the influent entering the treatment
6 plant and absorb the hydrogen sulfide from the captured air; and

7 WHEREAS, the cumulative effect of these upgrades should be to reduce the foul
8 odor smell emitting from the North Sewage Treatment Plant; and

9 WHEREAS, the chemical feed systems have been installed and are currently in
10 operation; and

11 WHEREAS, the biotowers are in the design phase and installation of the biotowers
12 is scheduled to begin in August 2009 and be completed by December 2009; and

13 WHEREAS, the city of Baton Rouge should seek funding from the recent economic
14 stimulus package for financial assistance in the rehabilitation and upgrades of the existing
15 wastewater treatment plants.

16 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
17 request the city of Baton Rouge to evaluate and update its comprehensive wastewater
18 treatment plan in order to address the needs and concerns of the citizens of Baton Rouge.

19 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
20 office of the Mayor-President and to the Metropolitan Council.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

Broome

SCR No.

Requests the city of Baton Rouge to evaluate and update its comprehensive wastewater
treatment plan in order to address the needs and concerns of the citizens of Baton Rouge.

This Court adopts the Plaintiffs' proposed findings of fact and conclusions of law (attached) as its own, with the following addition:

Concerning the issue of liability, this Court finds that had the City-Parish acted earlier in its planning, it had other options available and could have prepared the proper foundation to expand the treatment plant toward the River rather than next to these homes on Avenues "L" and "M." Instead of expanding toward the River away from the residential neighborhood, the City-Parish delayed in making a decision, leaving few options to timely comply with the order of the Environmental Protection Agency.

As to the issue of quantum, this Court notes that even the real estate expert, Mr. Defelice, testified that the Mitchell property located at 9957 Avenue "M" sustained a diminished value of twenty thousand dollars (\$20,000.00). This Court finds that the other houses on Avenue "M" and the house on Avenue "L" likewise sustained diminished value because of the proximity to the expanded waste treatment plant. The Court accepts the quantum set forth in the Plaintiffs' proposed finding of fact.

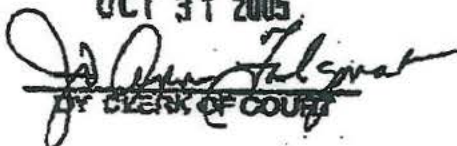
Judgment to be signed accordingly.

This 31st day of October, 2005.


Kay Bates, Judge

FILED

OCT 31 2005


J. A. Feltz
CLERK OF COURT

ibobby Jindal
GOVERNOR



Alan Levine
SECRETARY

State of Louisiana
Department of Health and Hospitals
Office of Public Health

May 18, 2009

[REDACTED]
RE: Complaint Received- Flies coming from the North Baton Rouge Sewage Treatment Facility

Dear [REDACTED]

A survey of your property was conducted on May 13, 2009, by La Keisha Theriot and Rayfield Jones. At the time of the survey, there were flies on the windows, around the doors, and on the walls under the carport. Pictures were taken to document their presence around Ms. Mitchell's residence. She also mentioned that they were getting into her house.

This office has consulted the DHH Entomologist, Kyle Moppert, and we are planning to do a follow-up on Wednesday, May 20, 2009.

If you have any questions, feel free to contact me Monday through Friday at 225-242-4871.

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Theriot".

La Keisha Theriot, R.S.
Sanitarian Manager

3/24/99 EPA Report Region 6

proximity of the treatment units to the residents. According to both the City and the State inspector, there are no easement restrictions of WWTP unit placement and resident proximity.

→ Due to the immediate proximity of the local residents, in one case as close as 50 feet to a trickling filter unit, even normal WWTP odors are going to be a nuisance.

Chlorine odors may also occur, although not noticed during the two day visit at the plant. These odors may result from the vaporization of chlorine gas if, as commonly occurs, the gas is added to raw or partially treated sewage to help control snails or sewage odors. When the sewage is applied to the hot media of a trickling filter, a small amount of the water vaporizes, and chlorine gas odors may be noticed if chlorine was added to the sewage prior to this treatment unit. Also, even though the chlorine contact basin is located at the far end of the WWTP, it may be possible that a chlorine smell could waft northward, due to prevailing southerly winds (the homes are located on the north side of the plant), toward the residents.

Flies:

calth
SK
he
community
A certain type of small fly, commonly called filter flies, are found around WWTP units such as trickling filters. At the time of the inspection, a normal small number of flies were seen around one or two of the trickling filter walls, which is not unusual. The City did experience a sewer line break in the adjacent neighborhood in about 10/98. At that time, a problem arose with filter flies because a rain event followed the initial spill and clean-up, rehydrating the sewage and providing a media for larval growth of the flies. Generally, the City reported that it tries to control filter flies around the trickling filters by spraying bleach onto the walls of the filters.

Mists:

calth
Risk
the
community
The mists arising from the top of the trickling filters, located about 50 feet from one of the residents, is a normal vaporization of applied sewage to the hot dark exposed media (see attached map of plant). These trickling filters are composed of fiberglass sheeting onto which a green mass of microscopic organisms grow and adhere. When the sewage contacts the hot dark media, some of the liquid vaporizes into a cloud-like mist. There may be an increase in the misting effect during the winter when the air is cold, and the sun-exposed media remains hot. This misting effect is normal. Additionally, the trickling filters are well operated, and have very good wastewater distribution.

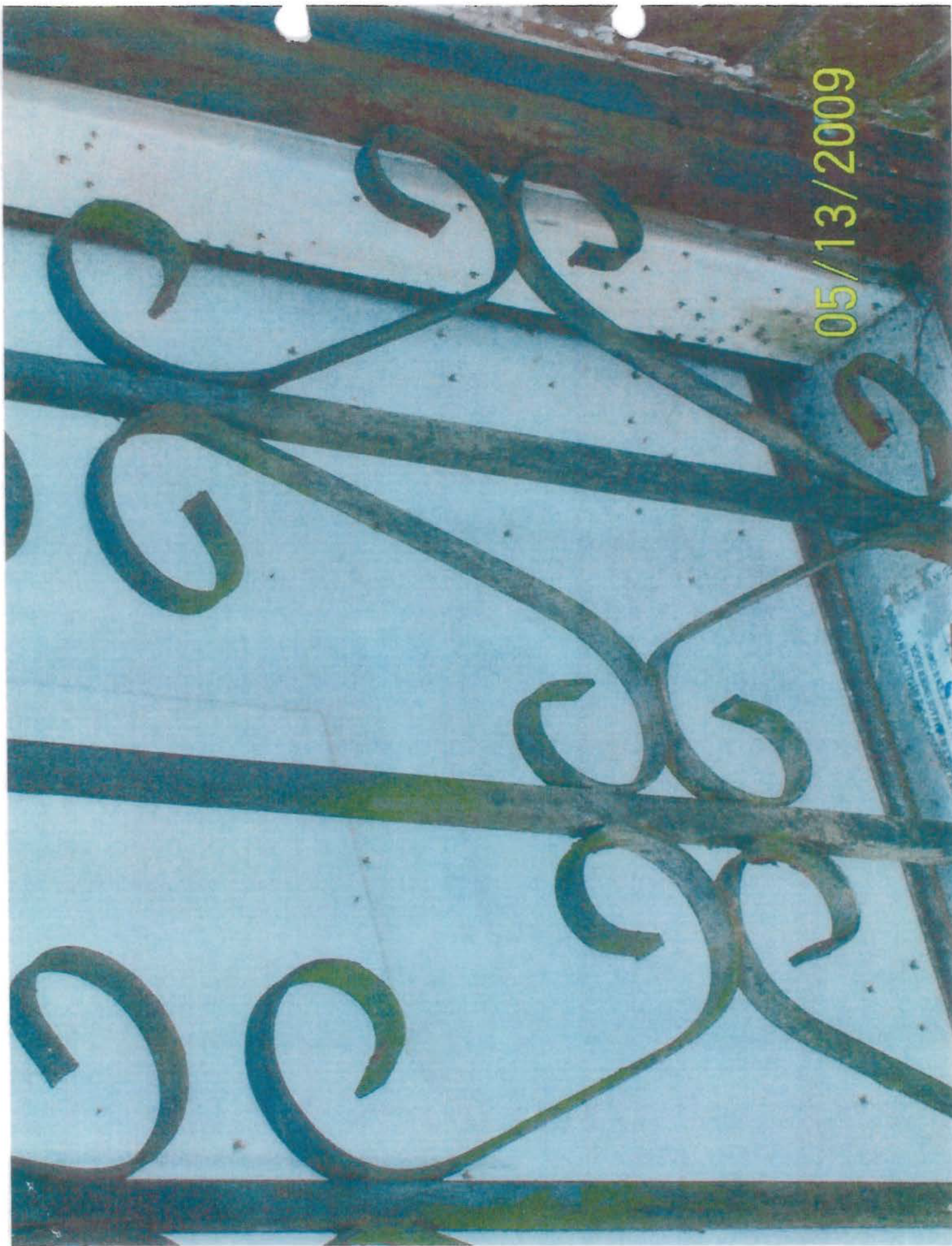
Sewage Overflows:

As mentioned previously in the Flies section, the City has experienced sewage overflows in the residential area surrounding the plant. Additionally, the plant has experienced past overflows on plant grounds as well, and is under a Modified Consent Decree, dated 7/23/97, to provide full sewage treatment, including control of sewage bypassing in the collection system. An EPA inspection report dated 3/12/98, describes the frequent occurrence of plant and collection system bypassing in 1997 (attached). The City continues to address the problem of plant and collection system bypassing as is described in Plant Operations below.

05/13/2009



05/13/2009



05/13/2009

05/13/2009





"Mike" Foster, Jr.
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF HEALTH AND HOSPITALS



David W. Hood
SECRETARY

October 1, 1998

Re: Complaint Received-Flies and odors coming from Northworks
Sewage Treatment Plant

A survey was made at the address of [REDACTED], I found strong odors coming from waste water treatment plant, which is located across the street. There were filter flies nesting all under carport walls and side entrance door to [REDACTED] resident. [REDACTED] stated that the odors had subsided at the time of my survey (but at night and in the morning the odor is at it's greatest level).

While making the survey an agent from Mosquito and Rodent control was present. He stated that he would spray to abate the flies, but the treatment he uses is for mosquitos and not filter flies. Due to the size of the flies the treatment may or may not work.

At the direction of James E. Gum, Regional Administrator.

Sincerely,

Thomas H. Alford, Jr.

Thomas H. Alford, Jr., R.S.
Sanitarian Manager 3/Parish

R.W. Jones RL-925-1219

R.W. Jones, R.S.
Sanitarian 2

242-4870

MARY L. LANDRIEU
LOUISIANA

United States Senate

WASHINGTON, DC 20510-1804

June 26, 2009

Mayor-President Melvin "Kip" Holden
222 St. Louis Street
3rd Floor
Baton Rouge, LA 70802

Dear Kip:

Recently, I was contacted Mr. Gregory R. Mitchell and other concerned citizens in the University Place subdivision in Baton Rouge. Because of my desire to be responsive to all inquiries, I respectfully request your attention to their concerns regarding the significant odor and potential hazardous conditions associated with the North Wastewater Treatment Plant.

A resident of University Place subdivision, he is disturbed because of not only the smell surrounding his home, but also because he believes he is living next to unsanitary conditions. I understand that the Department of Public Works has plans to rehabilitate the plant on or before April 2010. However, I respectfully request you look into expediting this project if possible. If you require any assistance at the federal level, do not hesitate to contact me.

I would appreciate your findings and views on this matter. Thank you in advance for your attention and should you have any questions, please contact me or my Projects Director, Tanner Johnson, at 202-224-5824.

With kindest regards, I am,

Sincerely,



Mary L. Landrieu
United States Senator

MLL:rel

cc: Peter Newkirk, Director, Department of Public Works
Mr. Mitchell

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

DIVISION M

.....
GREG MITCHELL, ET AL

V.

SUIT NO. 432169

EAST BATON ROUGE PARISH, ET AL
.....

TUESDAY, MAY 8, 2001

TESTIMONY OF REP. MELVIN LEE "KIP" HOLDEN FROM

CIVIL BENCH TRIAL

* * * * *

HONORABLE KAY BATES, JUDGE PRESIDING

APPEARANCES:

FOR:

ALLEN MYLES, PATRICK PENDLEY
E. WADE SHOWS & CARLOS ROMANACH

PLAINTIFFS

JAMES ZITO

DEFENDANTS

REPORTED BY: BEVERLY WASCOM

TRANSCRIBED BY: KRISTINE M. FERACHI, CCR #87173

TUESDAY, MAY 8, 2008

* * * * *

REP. MELVIN LEE "KIP" HOLDEN,
CALLED AS A WITNESS, WAS DULY SWORN AND TESTIFIED
AS FOLLOWS:

E X A M I N A T I O N

* * * * *

BY MR. MYLES:

Q REPRESENTATIVE HOLDEN, WOULD YOU PLEASE STATE YOUR NAME
FOR THE COURT?

A MELVIN LEE "KIP" HOLDEN.

Q AND YOUR BUSINESS ADDRESS, PLEASE, SIR?

A 838 NORTH BOULEVARD IS ONE. IT IS A LAW OFFICE. AND
2013 CENTRAL ROAD IS MY LEGISLATIVE OFFICE.

Q ARE YOU FAMILIAR WITH THE AREA COMMONLY CALLED THE
FIELD OR UNIVERSITY PLACE JUST BEHIND SOUTHERN UNIVERSITY?

A YES, SIR, I AM.

Q IN FACT, IS THAT AREA INCLUDED IN YOUR DISTRICT?

A YES, IT IS.

Q IS IT ALSO IN THE AREA THAT YOU GREW UP IN, OR CLOSE TO
THE AREA THAT YOU GREW UP IN?

A IT IS IN THE AREA I GREW UP AND STILL LIVE IN.

Q ARE YOU FAMILIAR WITH THAT GENERAL AREA IN TERMS OF
HAVING BEEN THERE MANY TIMES HAVING CAMPAIGNED IN IT, OR
JUST HAVING BEEN PRESENT IN IT?

A YES.

Q AND OVER WHAT PERIOD OF TIME WOULD YOU SAY THAT YOU
HAVE BEEN FAMILIAR WITH IT?

A SINCE THE EARLY '50'S, MAYBE LATE '50'S TO PRESENT.

Q DO YOU RECALL THERE BEING --

THE COURT: WHAT DID YOU SAY? WHAT WAS THE
QUESTION?

MR. MYLES: HOW LONG HAD HE BEEN FAMILIAR
WITH THE AREA THAT WE ARE TALKING ABOUT.

THE COURT: AND YOU SAID EARLY '50'S?

A WELL, LATE '50'S. FIFTY-NINE I STARTED THE FIRST
GRADE.

THE COURT: I WAS ABOUT TO SAY, MY GOODNESS,
HOW OLD ARE YOU?

A FORTY-EIGHT, YOUR HONOR. SOON TO BE 49.

BY MR. MYLES:

Q YOU SAID YOU HAVE BEEN FAMILIAR WITH IT SINCE YOUR
EARLY CHILDHOOD, CORRECT?

A THAT IS CORRECT.

Q DO YOU RECALL THERE BEING A SEWERAGE FACILITY IN THAT
AREA ON THE RIVER SIDE?

A YES, SIR. YES.

Q WOULD YOU DESCRIBE FOR US WHETHER OR NOT THAT HAS
STAYED THE SAME OVER THE PAST, WHAT IS THAT, 40 YEARS?

A IT STARTED OFF VIRTUALLY AS BEING CONFINED TO MAYBE ONE
PART OF THE STREET.

THERE IS A STREET THAT USED TO RUN IN BETWEEN, RIGHT BY
THE SEWER PLANT THAT RUNS TO THE RIVER. THAT HAS NOW BEEN
CONSUMED BY THE EXPANSION. THERE IS A PARK THAT HAS BEEN
THERE, THERE ARE TANKS THERE.

SO, IT STARTED OFF AS A RELATIVELY SMALL FACILITY, AND
HAS EXPANDED PROBABLY AT LEAST FOUR-TO-FIVE TIMES THE SIZE
THAT I ORIGINALLY REMEMBERED.

→ **Q** DOES IT HAVE ANY IMPACT AT ALL ON THE RESIDENTS THAT
ARE IN THAT AREA, AVENUE L AND M, IN THAT GENERAL AREA?

A YES. THERE ARE CONSTANT ODORS, EVEN TODAY.

→ **Q** AND DO YOU VIEW THE IMPACT OF THE FACILITY, THE
SEWERAGE TREATMENT FACILITY ON THE COMMUNITY AS BEING A
NEGATIVE IMPACT OR A POSITIVE IMPACT?

A NEGATIVE.

Q NEGATIVE.

IN YOUR CAPACITY AS STATE REPRESENTATIVE, HAVE YOU HAD OCCASION TO RECEIVE COMPLAINTS -- I THINK EVEN BEFORE THAT YOU WERE A CITY COUNCILMAN.

A THAT IS CORRECT.

Q HAVE YOU BEEN DEALING WITH COMPLAINTS FROM RESIDENTS IN THAT AREA INVOLVING THAT FACILITY?

A YES, SIR, AND DATING BACK TO THE DAYS ON THE CITY COUNCIL, I EVEN TRIED TO PUSH A PROPOSAL THAT WOULD HAVE MOVED THAT FACILITY OUT OF THE NEIGHBORHOOD UP INTO AN INDUSTRIAL SITE, BUT THAT WAS DEFEATED BY THE COUNCIL BY A SEVEN-TO-FIVE VOTE.

SINCE THEN, THE COMPLAINTS HAVE BEEN CONSISTENT STILL. THERE HAVE BEEN NUMEROUS COMMUNITY MEETINGS. MY CHURCH IS RIGHT THERE, KING DAVID BAPTIST CHURCH IS THERE. MY GODFATHER OWNED A STORE RIGHT THERE, SO ALL OF MY COMMUNITY DEALINGS AND WHERE I LIVE HAVE BEEN RIGHT THERE IN THE SAME PLACE.

MY HOME IS ONLY ABOUT A HALF-A-MILE FROM THE PRESENT FACILITY AT THE MOST. PROBABLY MORE A QUARTER-OF-A-MILE.

Q ARE YOU FAMILIAR WITH ANY EFFORTS ON THE PART OF THE CITY TO BUY OUT THE RESIDENTS IN THAT AREA?

A YES, SIR, I AM.

Q BEFORE I GET TO THAT, LET ME ASK YOU, I KNOW YOU TOLD US ABOUT ODORS. DO YOU REMEMBER THE GENERAL NATURE OF THE COMPLAINTS THAT YOU DEALT WITH, EVEN ON THE CITY COUNCIL?

A THERE WERE PEOPLE WHO TALKED ABOUT ODORS, OTHERS HAVE TALKED ABOUT BEING SICK, THE ODORS HAVE MADE THEM SICK. THERE ARE SOME WHO SAID THEY COULD NOT LET THEIR WINDOWS UP BECAUSE THE SMELL WAS SO BAD, OR THEY COULD NOT HAVE PEOPLE OVER TO THEIR HOUSE BECAUSE THE SMELL WAS TOO BAD. THEY

COULD NOT DO ANYTHING IN THEIR YARDS, AND THERE WAS JUST NUMEROUS COMPLAINTS.

Q AND IN YOUR CAPACITY AS CITY COUNCILMAN AND STATE REPRESENTATIVE, DID YOU LOOK INTO THESE COMPLAINTS? DID YOU GO OUT AND DO INSPECTIONS, OR GO OUT TO THE AREA YOURSELF TO SEE IF YOU COULD VALIDATE THEM OR NOT?

A YES, SIR, BUT I MUST ALSO ADD, WHEN THE ODOR IS HERE, YOU DO NOT HAVE TO BE RIGHT THERE BY IT. YOU CAN PRETTY MUCH TELL THAT IT IS A BAD DAY AT THE SEWER TREATMENT PLANT.

Q WERE THOSE COMPLAINTS VALID IN YOUR OPINION?

A YES, SIR.

Q NOW, BACK TO THE QUESTION -- WELL, LET ME ASK YOU THIS, ALSO.

THERE HAVE BEEN SEVERAL PERIODS OF CONSTRUCTION YOU EXPLAINED. WHEN THAT PLANT WAS IN CONSTRUCTION, DID IT ADD ANY IMPACT TO THE COMMUNITY ITSELF FROM THE CONSTRUCTION ITSELF; ARE YOU AWARE OF THAT?

A FRANKLY, I BELIEVE IT TOOK AWAY FROM THE COMMUNITY BECAUSE MOST OF THE FAMILIES BACK THERE HAVE BEEN THERE DATING BACK TO THE '50'S, SO IT WAS A PRETTY MUCH UNIFIED COMMUNITY, AND THEN ALL OF A SUDDEN YOU SAW VACANT LOTS, VACANT AREAS, THINGS BEING SHIFTED AROUND.

SO, IN TERMS OF THE COMMUNITY AND THE THINGS THAT I SAW GROWING UP, IT HAD A TREMENDOUS IMPACT ON IT, BECAUSE SOME OF THOSE FAMILIES HAD TO MOVE OUT. THEY DID NOT HAVE AN OPTION.

Q REGARDING THE BUYOUT THAT YOU SAID YOU WERE FAMILIAR WITH, DID YOU BECOME FAMILIAR WITH THAT IN YOUR CAPACITY AS A STATE REPRESENTATIVE OR AS A CITY COUNCILMAN?

A AS STATE REPRESENTATIVE.

Q AND WHAT IS YOUR UNDERSTANDING OF WHAT EFFORTS ARE BEING MADE AT THIS POINT BY THE CITY?

A THAT PRIMARILY THAT THEY WOULD TRY TO MAKE AN OFFER TO THE RESIDENTS BACK THERE TO BUY THEIR PARCEL OF LAND.

I AM NOT TOO FAMILIAR WHETHER OR NOT THE DETAILS INCLUDED RELOCATION AND ALL OF THE OTHER THINGS, BUT I THINK I DID COME ACROSS SOME INFORMATION WHERE THEY WERE LOOKING AT THAT PARTICULAR ISSUE AS WELL.

PRETTY MUCH, MOST OF THAT, SOME OF THAT CAME UP IN PUBLIC MEETINGS AND SOME CAME UP IN THE NEWSPAPER.

Q WAS THAT A PART OF WHAT YOU WERE WORKING TOWARD IN THE REPRESENTATIONS OF THIS COMMUNITY BASED ON THE COMPLAINTS YOU RECEIVED THROUGH THE CITY COUNCIL AND THROUGH --

A WELL, I HAVE TO BE HONEST WITH YOU, I WAS NEVER -- THERE WAS MIXED EMOTIONS ON THE BUYOUT, AND MY LONG-HELD PHILOSOPHY WAS THAT AN ODOR COULD NOT READ A STOP SIGN, SO THEREFORE, THE ODORS DID NOT STOP AT TWO OR THREE STREETS. SO, YOU ARE BUYING OUT, AND YOU ARE COSMETICALLY TAKING OUT THE HOUSES RIGHT THERE BY IT, BUT THE ODOR IS PERMEATING THE WHOLE COMMUNITY.

SO, THE PROBLEMS WERE REALLY TREMENDOUS FOR A LOT OF PEOPLE.

MR. MYLES: THANK YOU, REPRESENTATIVE HOLDEN.

NO OTHER QUESTIONS FOR YOU.

MR. ZITO: JUST A COUPLE OF QUESTION.

E X A M I N A T I O N

* * * * *

BY MR. ZITO:

Q WERE YOU AWARE THAT THE E.P.A. MADE THE CITY EXPAND THAT FACILITY?

A I AM AWARE OF THAT, BUT I AM ALSO AWARE THAT THE CITY HAD SOME OPTIONS THAT IT DID NOT EXPLORE, OR CHOOSE TO USE.

Q DO YOU KNOW THAT THE CITY TRIED TO KEEP FROM HAVING TO BUILD THE FACILITY TO THE SIZE IT IS, BUT THE E.P.A. REFUSED TO CUT DOWN ON THE SIZE OF IT?

A THAT IS WHAT I HAVE HEARD.

YES, I AM FAMILIAR WITH THAT ARGUMENT THAT IS BEING MADE, BUT I AM NOT SURE FRANKLY AGAIN, KNOWING FULL WELL THAT WE HAVE OFFERED TO GET THE FACILITY OUT OF THE NEIGHBORHOOD, THAT THE CITY/PARISH HAD SOME OPTIONS THAT WOULD HAVE ALLOWED THEM NOT TO EXPAND THAT FACILITY TO THE EXTENT IT DID IN THAT NEIGHBORHOOD.

Q WHAT WERE THOSE OPTIONS?

A WE WERE GOING TO MOVE UP TO THE OLD -- I WON'T SAY KAISER PLANT, BUT THEY USED TO HAVE A VANILLIN PLANT RIGHT UP BY DEL -- WHATEVER THE PLANT IS UP THERE. THEY HAD A PLANT BACK IN THERE THAT WE LOOKED AT, PROBABLY RELOCATING THE FACILITY AND REROUTING PIPELINES SO IT WOULD GO BACK OF AN INDUSTRIAL AREA INSTEAD OF EXPANDING IT IN THE NEIGHBORHOOD.

Q AND WHY DIDN'T THEY PURSUE THAT?

A AT THAT TIME, I THINK ONE OF THE ARGUMENTS PUT FORTH, I REMEMBER BY MY FRIEND DOUG WELBORN WAS THE COST, AND I THINK I RESPONDED TO HIM AT THAT TIME THAT IF FROM THE TIME I WAS BORN, THAT IF WE HAD MATCHED THE SERVICES IN OUR COMMUNITY DOLLAR FOR DOLLAR, I WOULD NOT HAVE AN ARGUMENT WITH THE POSITION THAT HE TOOK, BUT THERE HAD BEEN SOME DISCREPANCIES

IN THE AMOUNT OF MONEY BEING SPENT IN MINORITY COMMUNITIES
AND POOR COMMUNITIES THROUGHOUT BATON ROUGE.

SO, I FELT IT WAS NO MORE THAN RIGHT TO TRY TO EXTEND
AND USE THIS MONEY IN ORDER TO AT LEAST RELIEVE THE PEOPLE
OF THE BURDEN THEY WERE CONFRONTING ON A DAY-TO-DAY BASIS.

Q HAVE YOU EVER BEEN IN THAT PLANT?

A YES, SIR.

Q HOW LONG AGO?

A IT IS PROBABLY WELL OVER 12 YEARS OR MORE.

Q SINCE YOU HAVE BEEN IN IT?

A YES, SIR.

MR. ZITO: THAT IS ALL I HAVE.

MR. MYLES: NO QUESTIONS.

C E R T I F I C A T E

I, KRISTINE M. FERACHI, CCR, OFFICIAL COURT
REPORTER, NINETEENTH JUDICIAL DISTRICT COURT, PARISH
OF EAST BATON ROUGE, STATE OF LOUISIANA, DO HEREBY
CERTIFY THAT THE FOREGOING PAGES CONSTITUTE A TRUE
AND ACCURATE TRANSCRIPT OF THE AFORESAID MATTER AS
TAKEN BY ME ON THE STENOTYPE MACHINE, TO THE BEST OF
MY KNOWLEDGE AND ABILITY.

WITNESS MY HAND THIS 8TH DAY OF MAY, 2001.



A handwritten signature in dark ink, appearing to read "Kristine M. Ferachi", is written over a horizontal line.

KRISTINE M. FERACHI

OFFICIAL COURT REPORTER

19TH JUDICIAL DISTRICT COURT

CCR #87173

19TH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

POSTED

OCT 3 2008



NUMBER: 432,169

DIVISION "M"

GREG MITCHELL, CLODINE M. GORDON,
LINDA BROWN, BERTHA OXLY, JANICE BELL, ET AL

VERSUS

EAST BATON ROUGE PARISH, ET AL

STATE

OCT 29 2008

BY
CLERK OF COURT

JUDGMENT ON MOTION FOR NEW TRIAL

This matter came on for trial on November 28, 29, and 30, 2000, December 4, 5, 6, 7, 8, 11, 12, 2000, May 7, 8, 2001, August 24, 2001, April 26, 27 and 28, 2005, and was submitted to the Court for adjudication by the parties. Judgment was signed on January 18, 2006. Both sides moved for a new trial and a hearing was held thereon August 28, 2006. The Court granted both Motions and entered written reasons on January 10, 200[7] amending the previous judgment as follows:

PRESENT IN COURT:

PATRICK W. PENDLEY, ESQ. and ALLEN J. MYLES, ESQ. counsel for Plaintiffs;

GERALD L. WALTER, JR., ESQ. and THOMAS D. GILDERSLEEVE, ESQ. counsel for City of Baton Rouge and Parish of East Baton Rouge;

The Court having the evidence presented at trial, the argument and memoranda of counsel filed herein, and for the Written Reasons assigned on July 18, 2003, October 31, 2005 and January 10, 200[7];

IT IS ORDERED, ADJUDGED, AND DECREED that the claims of the following named plaintiffs are dismissed, with prejudice, for their failure to appear at trial and offer any evidence in support of their respective claims:

Allen, Willie
Armstrong, Toeffing L.
Banks, Anthony
Banks, Avron
Banks, Cynthia
Banks, Jack Monroe
Banks, Lillian
Bailey, Donald
Baranco, Edith
Barlow, Francis
Barnes, Chanta

Barnes, Eric
Bell, Janice
Bell, Tonita
Bernard, Lisa
Bowen, Everlean
Brady, Elijah
Brady, Michael
Brady, Monica D.
Brady, Ruby H.
Brooks, Doris
Brown, Ernest

Brown, Isaac
 Brown, Herman Jr.
 Brown, Jerry J.
 Brown, Johnny M.
 Brown, Linda
 Brown, Marvin
 Brown, Nelson
 Brown, Roosevelt
 Brown, Shirley E.
 Burks, Sheila
 Burns, Michael Sr.
 Burns, Patricia
 Butler, Antonio
 Butler, William
 Byrd, Terry
 Cage, Benjamin
 Cage, Jeanette
 Cain, Ivan T.
 Cannon, Da Vidan
 Carter, Zelda
 Chambers, Albert
 Chapman, Rodessa
 Chopin, Glenda
 Clark, Berneattee
 Cleveland, Anitra
 Cleveland, Brenda
 Cleveland, Hattie
 Cleveland, Linda
 Cleveland, Matthew
 Coleman, Joe
 Collins, Emma
 Collins, Letrice
 Cummings, Elsa
 Daniels, Patricia
 Dean, Dedrick
 Dent, Gloria
 Dent, Mary
 Duncan, Arnell
 Duncan, Brenda
 Duncan, Ron
 Dunn, A.J.
 Dunn, Anna
 Dunn, Eunice
 Dunn, Hilda
 Dunn, Larry
 Early, Lothario
 Ellis, Bernie
 Fountain, Viola
 Francis, Doretta
 Frank, Malcolm
 Franklin, Beverly
 Franklin, Gladys
 Franklin, Margie
 George, Clara
 George, Christy
 George, Leroy V. Jr.
 Gibson, Marc
 Gibson, Samuel
 Ghoram, Deborah
 Ghoram, Lucille
 Ghoram, Roosevelt

Gordon, Clodine
 Graham, Carl
 Grant, Betty
 Grayer, Dennie
 Grayer, Julia
 Green, Titus
 Griffin, Joseph
 Halford, Jerral
 Hall, Latonya
 Harris, Barbara
 Harris, Debra
 Harris, Ezra
 Harris, James
 Harris, Pearlina
 Harris, Wanda
 Harris, William Jr.
 Harrison, Edna
 Harrison, Sandra
 Harrison, William
 Harrison, William III
 Hastings, Terri
 Hogan, Irwin Jr.
 Holmes, Charisma
 Holmes, Edith
 Holmes, Nancy
 Hooker, Christopher
 Hooker, Isabell
 Howard, Shiwanda
 Jackson, Cherlyn
 Jackson, Sandra
 Jacques, Lillian
 Jacques, Lonnie
 Jarvis, Betty
 Johnson, Brenda
 Johnson, Delonda
 Johnson, Jimmy, Jr.
 Johnson, Mitchell
 Johnson, Treniece
 Johnson, Theron C.
 Jones, Betty
 Kelly, Kelvin
 Kemp, Richard
 Knox, Patricia
 Laverne, Jerry
 Laverne, Tommy
 London, Joseph C.
 Lusk, Dolores
 McKinnis, Reynaldo M.
 Morris, Tonia
 Murray, Christine
 Myles, Marilyn
 Neal, Addie
 Neal, Kathy
 Neal, Ulla
 Norman, Vonettra
 Norwood, Pamela
 Palmer, Daisy
 Parker, Frederick
 Parker, Gloria
 Parker, Kirk
 Patin, Aletha

Patterson, Damond
Patterson, Diane
Patterson, Jesse Jr.
Paul, Angelia
Payne, Frederick
Payne, Mattie
Payne, Ruby
Payton, Juanita
Percy, Brenda
Pickett, Donna
Phangon, Irish
Plessy, Catina
Pratt, Miquell
Poland, Tara
Poland, Toni
Porter, Donald
Powell, Rosa
Profit, Carolyn
Profit, Cedrick
Profit, Ivory
Profit, Tina
Reado, Bertha
Reado, Dallicen
Reado, David Jr.
Reado, Davd Sr.
Richardson, Bevelyn
Rowe, Mary
Royal, Roscoe
Sanders, Lillie Mae
Seals, Howard
Sellers, Raymond
Sellers, Stephanie
Shropshire, Shirley
Smith, Frank O.
Smith, Tavonda
Smothers, John
Smothers, Mary
Spears, Levy Jr.
Spears, Paul
Spears, Paulette
Spland, Clemetean
Stewart, Ronald
Thomas, Chartte
Thomas, Freddie
Toussaint, Carolyn
Turner, Carrie
Valley, Donna

Valley, Stephanie
Walker, Harold Jr.
Walker, Juanita
Walker, Kimberly
Washington, Stephanie
Weston, Darren
Weston, Demetrise
Wells, Ronica
White, Latisha D.
Williams, Bwenell
Williams, Clarence
Williams, Colin
Williams, Diane
Williams, Doris
Williams, Kuishi
Williams, Tamicka
Willis, Terry
Youngblood, Vaness

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the claims of the following plaintiffs are dismissed, with prejudice, because they are not named plaintiffs:

Williams, Melissa

Johnson, Joe

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Motion for Directed Verdict by defendants as to the claims of the following plaintiffs be and the same is denied:

AVENUE M	AVENUE L	ELMER AVENUE
Allen, Henrietta	Allen-Johnson, Minerva	Scott, LaTonya
Banks, David	Banks, Elizabeth	
Banks, Jock	Brock, Wilene	
Banks, Joyce	Clark-Nero, Jana	
Banks, Normette	Clark, Lizzie	
Burton, Juanita	Collins, Audrey	
Cormier, Geraldine	Hollins, Francis	
Davis, Gwendolyn	Johnson, Patricia	
Davis, Henry Jr.	Miller, Irma	
Dunn, Willie Sr.	Moore, Iceola	
Ellis, Clifford	Parker, Lionel	
Fields, Alvin Sr.	Powell-Wade, Tonya	
Grant, Dorothy Marie Parker	Ross, Joyce	
Grant, Roosevelt	Scott, Martha	
Halford, Deboria	Smith, Bobby Dean White	
Hogan, Albertha	Stewart, Johnnie Youngblood	
Hogan, Irwin Sr.	Thierry, Margaret A.	
Mitchell, Mamie Lee	Young, Cynthia	
Smith, Mary	Young, Joe Louis	
Spears, Martha		
Willis, John Sr.		
Willis, Patricia		

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that there be judgment entered herein in favor of the hereafter named plaintiffs and against the defendants, City of Baton Rouge and Parish of East Baton Rouge for the damages and injuries sustained by the plaintiffs as set forth hereafter.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following property owner plaintiffs are awarded the monetary amount opposite their respective names for stigma damages to their residential property:

Vallery Thierry	9726 Ave L	\$22,000.00
Lionel Parker	9738 Ave L	\$20,500.00
Irma Miller	9746 Ave L	\$20,000.00
Audrey Collins	9750 Ave L	\$20,000.00

Joyce Ross	9764 Ave L	\$20,000.00
Gwendolyn Powell	9812 Ave L	\$20,000.00
Joe Young	9925 Ave L	\$27,000.00
Lizzie Clark	9935 Ave L	\$28,500.00
Johnnie Stewart	9949 Ave L	\$26,500.00
Willene Brock	9987 Ave L	\$13,000.00
Frances Hollins	10015 Ave L	\$30,000.00
Martha Scott	10073 Ave L	\$24,500.00
Bobby Smith	10097 Ave L	\$28,500.00
Patricia and John Willis	9728 Ave M	\$28,000.00
Mary Smith	9760 Ave M	\$24,500.00
Mamie Mitchell	9958 Ave M	\$28,000.00
Juanita Burton	10074 Ave M	\$29,500.00
Willie Dunn, Sr .	10092 Ave M	\$28,500.00
	TOTAL	\$439,000.00

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims of the named plaintiffs for fear and fright sustained as a result of the defendants' failure to properly operate the wastewater treatment plant are hereby denied.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following named plaintiffs are awarded damages of \$100.00 per month for discomfort and inconvenience incurred as a result the defendants' failure to properly operate the wastewater treatment plant prior to and during the expansion of the plant.

At the trial of this matter, Mr. Jerome Clear, who was a retired director of public works and was deputy director for eight years to Director Fred Raiford, testified that in 1995 the North Treatment Plant had a severe odor problem. Therefore, I find that the plaintiff should be compensated for the twelve-month period in 1995. Additionally, Mr. Jacque Saucier was the project manager for Boh Brothers Construction which was contracted to perform the sewer construction expansion in 1997 and 1998. Mr. Saucier testified that it was an eighteen-month (18) project that they completed in seventeen (17) months. Accordingly, I find the plaintiffs should be awarded damages for twenty-nine (29) months for discomfort and inconvenience resulting in an award of \$2,900.00 to each plaintiff listed below:

Allen	David	29 months	\$2,900.00
Allen	Henrietta	29 months	\$2,900.00
Allen	Michael	29 months	\$2,900.00
Allen	Wardell	29 months	\$2,900.00
Anderson	Martha	29 months	\$2,900.00
Banks	Elizabeth	29 months	\$2,900.00
Banks	Nornette	29 months	\$2,900.00
Banks	David	29 months	\$2,900.00
Banks	Jock	29 months	\$2,900.00
Banks	Joyce	29 months	\$2,900.00
Bell	Hellen	29 months	\$2,900.00
Billie	Madaline	29 months	\$2,900.00
Brock	Willene	29 months	\$2,900.00
Brown	McGill	29 months	\$2,900.00
Brown	Roberta	29 months	\$2,900.00
Browne	Cynthia	29 months	\$2,900.00
Burton	Juanita	29 months	\$2,900.00
Collins	Carol	29 months	\$2,900.00
Clark-Nero	Jana	29 months	\$2,900.00
Clark	Lizzie, Estate of	29 months	\$2,900.00
Collins	Carol	29 months	\$2,900.00
Cornier	Joseph	29 months	\$2,900.00
Cornier	Geraldine	29 months	\$2,900.00
Courtney	Channa	29 months	\$2,900.00
Dabney	Latonia	29 months	\$2,900.00
Dabney	Mary	29 months	\$2,900.00
Davis	Daisy	29 months	\$2,900.00
Davis	Gwendolyn	29 months	\$2,900.00
Davis, Jr.	Henry	29 months	\$2,900.00
Davis	Shawanda	29 months	\$2,900.00
Dean	Damion	29 months	\$2,900.00
Dunn, Jr.	Willie	29 months	\$2,900.00
Dunn, Sr.	Willie	29 months	\$2,900.00
Ellis	Clifford	29 months	\$2,900.00
Fells	Lamont	29 months	\$2,900.00
Fields	Jacqueline	29 months	\$2,900.00
Fields, Jr.	Alvin	29 months	\$2,900.00
Fields, Sr.	Alvin	29 months	\$2,900.00
Fields	Alvita G.	29 months	\$2,900.00
Francis	Letetra	29 months	\$2,900.00
Ghoram	Willie May	29 months	\$2,900.00
Grant	Roosevelt	29 months	\$2,900.00
Grant	Dorothy	29 months	\$2,900.00
Gray, Sr.	John	29 months	\$2,900.00
Halford	Deboria	29 months	\$2,900.00
Halford	Laquintin	29 months	\$2,900.00
Hall	Carolyn	29 months	\$2,900.00
Hall	Mary	29 months	\$2,900.00
Hawkins	Eddie Lee	29 months	\$2,900.00
Hogan	Albertha	29 months	\$2,900.00
Hogan, Sr.	Irwin	29 months	\$2,900.00
Hollins	Francis, Estate of	29 months	\$2,900.00
Jackson	Debra	29 months	\$2,900.00
Jackson	Derrick	29 months	\$2,900.00
Jackson	Jannie May	29 months	\$2,900.00
Jackson	Mattie	29 months	\$2,900.00
Johnson	Annie	29 months	\$2,900.00
Johnson	Eric	29 months	\$2,900.00
Johnson	Joyce	29 months	\$2,900.00
Johnson	Mary	29 months	\$2,900.00
Johnson	Sheila	29 months	\$2,900.00
Jones	Sheena	29 months	\$2,900.00
Kato	William	29 months	\$2,900.00

Kelly, Jr.	Leo	29 months	\$2,900.00
Leatherman	Kelvin	29 months	\$2,900.00
London-Hartford	Joyce	29 months	\$2,900.00
McClure	Jesse	29 months	\$2,900.00
McClure	Willie May	29 months	\$2,900.00
McNeely	Carmella	29 months	\$2,900.00
Mathews	Monica	29 months	\$2,900.00
Mealey	Carrie	29 months	\$2,900.00
Miller	Andre	29 months	\$2,900.00
Miller	Cherlynn	29 months	\$2,900.00
Minor	Engra	29 months	\$2,900.00
Mitchell	Efren	29 months	\$2,900.00
Mitchell	Greg	29 months	\$2,900.00
Mitchell	Mamie	29 months	\$2,900.00
Moore	Aldred J.	29 months	\$2,900.00
Moore	Donald	29 months	\$2,900.00
Moore	Katie	29 months	\$2,900.00
Moore	Lashawn	29 months	\$2,900.00
Moore	Stephanie	29 months	\$2,900.00
Moore	Iceloa	29 months	\$2,900.00
Netter	Lillie	29 months	\$2,900.00
Ogunrinde	Wanda Hudson	29 months	\$2,900.00
Oxley	Bertha	29 months	\$2,900.00
Parker	Craig	29 months	\$2,900.00
Perkins	Gwendolyn	29 months	\$2,900.00
Powell	Gwendolyn	29 months	\$2,900.00
Reado	Connie	29 months	\$2,900.00
Reason	Janice	29 months	\$2,900.00
Schamburge	Ella	29 months	\$2,900.00
Scott-Kelly	Dorothy	29 months	\$2,900.00
Scott	LaTonya	29 months	\$2,900.00
Scott	Martha	29 months	\$2,900.00
Sibley	Gary	29 months	\$2,900.00
Smith	Bobby	29 months	\$2,900.00
Smith	Mary	29 months	\$2,900.00
Spurlock	Zina	29 months	\$2,900.00
Spears	Martha	29 months	\$2,900.00
Stewart	Johnnie	29 months	\$2,900.00
Taylor	Corrine	29 months	\$2,900.00
Taylor	Vilita	29 months	\$2,900.00
Thomas	Barbara	29 months	\$2,900.00
Thomas	Deborah	29 months	\$2,900.00
Thompson	Annie	29 months	\$2,900.00
Thompson	Cynthia	29 months	\$2,900.00
Washington	Lucy	29 months	\$2,900.00
Weston	Mattie	29 months	\$2,900.00
Williams	Joyce	29 months	\$2,900.00
Williams	Brenda	29 months	\$2,900.00
Williams	Catina Felicia	29 months	\$2,900.00
Williams-Laverge	Catrina	29 months	\$2,900.00
Williams	Kenny	29 months	\$2,900.00
Willis	Patricia	29 months	\$2,900.00
Willis, Sr.	John	29 months	\$2,900.00
Wilson	Pearl	29 months	\$2,900.00
Womack	Cheryl	29 months	\$2,900.00
Woods	Twanda	29 months	\$2,900.00
Yates	Pamela	29 months	\$2,900.00
Young	Cynthia	29 months	\$2,900.00
Young	Joe	29 months	\$2,900.00
Young-Minor	Tewonia	29 months	\$2,900.00
Youngblood	Frankie	29 months	\$2,900.00
Youngblood	Roy	29 months	\$2,900.00
Youngblood	Samuel	29 months	\$2,900.00

TOTAL			\$365,400.00
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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the following named plaintiffs, who lived farther away from the wastewater treatment plant, are awarded damages of \$50.00 per month for discomfort and inconvenience incurred as a result the defendants' failure to properly operate the wastewater treatment plant following the expansion of the plant, which expansion began on June 2, 1997 and was substantially complete on July 31, 1998. The Court finds that these plaintiffs have shown that their discomfort and inconvenience lasted for approximately 29 months, resulting in an award of \$1,450.00 to each plaintiff listed below:

Avenue E	Hollins, Freddy	29 months	\$1,450.00
Avenue F	Johnson, Annie	29 months	\$1,450.00
	Johnson, Arthur	29 months	\$1,450.00
Avenue G	Taylor, Joyce	29 months	\$1,450.00
	Williams, Brenda	29 months	\$1,450.00
	Wilson, Pearl	29 months	\$1,450.00
Avenue I	Grim, Henry	29 months	\$1,450.00
Avenue J	Bethley, Percy	29 months	\$1,450.00
	Duncan, Ethel	29 months	\$1,450.00
	Gibbs, Dorothy	29 months	\$1,450.00
	Leatherman, Doris	29 months	\$1,450.00
	Lipscomb, Claude	29 months	\$1,450.00
	Lipscomb, Druzella	29 months	\$1,450.00
	Schamburge, Ella	29 months	\$1,450.00
Avenue K	Collins, Irene	29 months	\$1,450.00
	Collins, Sterling	29 months	\$1,450.00
	Fisher, Elizabeth	29 months	\$1,450.00
	Hooker, Ardenis	29 months	\$1,450.00
	Kelly, Hilda	29 months	\$1,450.00
	Kelly, Sr., Leo	29 months	\$1,450.00
	Tanner, Jr., Mearn	29 months	\$1,450.00
	Weston, Mattie	29 months	\$1,450.00
	Weston, William	29 months	\$1,450.00
	Williams, Joyce	29 months	\$1,450.00
	Woods, Barbara	29 months	\$1,450.00
	Collins, Audrey	29 months	\$1,450.00
Avenue L	Johnson, Patricia	29 months	\$1,450.00
	Miller, Irma	29 months	\$1,450.00
	Parker, Lionel	29 months	\$1,450.00
	Ross, Joyce	29 months	\$1,450.00
	Thiery, Margaret	29 months	\$1,450.00
	Thiery, Vallery	29 months	\$1,450.00
Flicker Street	Bell, Helen	29 months	\$1,450.00
Scaup Street	Brown, Roberta	29 months	\$1,450.00
TOTAL			\$49,300.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that certain plaintiffs living on Avenue M and Avenue L, who were awarded stigma damages, are


awarded an attorney fee of thirty-three and 1/3rd (33 1/3rd%) percent of the amount of the stigma damages awarded to these plaintiffs based on diminution in the value of their properties.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all of the foregoing amounts shall bear legal interest thereon from date of judicial demand until paid and, that the defendants herein are cast for all such costs of court as may be cast against defendants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the assessment of expert witness fees incurred by plaintiffs in this matter shall be subject to a hearing on a Rule to Show Cause to be filed by plaintiffs.

JUDGMENT READ, RENDERED, AND SIGNED on this 7 day of

November, 2008, at Baton Rouge, Louisiana.


DISTRICT JUDGE

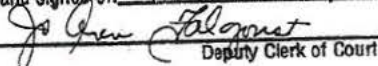
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DEPUTY CLERK OF COURT

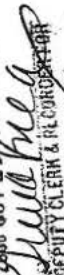
I hereby certify that on this day a notice of the above judgment was mailed by me, with sufficient postage affixed, to: Patrick Pendley

Gerald Walter
Done and signed on November 10, 2008


Deputy Clerk of Court

19th JUDICIAL DISTRICT
EAST BATON ROUGE PARISH, LA.
FILED

2008 OCT-29 PM 3:47


DEPUTY CLERK & RECORDER
DOUG WELBORN
CLERK OF COURT E.B.R. PARISH